

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PATRICIA KAROL FRANKS, )  
 )  
Plaintiff, )  
 )  
v. ) 1:21CV128  
 )  
KILOLO KIJAKAZI,<sup>1</sup> )  
Commissioner of Social )  
Security, )  
 )  
Defendant. )

**ORDER**

This matter is before this court for review of the Recommendation filed on July 27, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 15.) In the Recommendation, the Magistrate Judge recommends that Plaintiff's Motion for Judgment, (Doc. 8), be denied, that Defendant's Motion for Judgment on the Pleadings, (Doc. 13), be granted, and that the final decision of the Commissioner be upheld. (See Doc. 15 at 16.) The Recommendation was served on the parties to this action on July 27, 2022. (Doc. 16.) Counsel for Plaintiff filed

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

timely objections, (Doc. 17), to the Recommendation, and Defendant responded to Plaintiff's objections, (Doc. 18).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court finds that Plaintiff's objections do not change the substance of the United States Magistrate Judge's Recommendation, (Doc. 15), which is affirmed and adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 15), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's Motion for Judgment on the Pleadings, (Doc. 8), is **DENIED**, that Defendant's Motion for Judgment on the Pleadings, (Doc. 13), is **GRANTED**, that the Commissioner's decision is **AFFIRMED**, and that this action is **DISMISSED** with prejudice.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 13th day of September, 2022.

William L. Ostrum, Jr.  
United States District Judge